GROUNDS

The Plaintiff adopts and incorporates by reference all allegations and particulars set out in these Grounds, including all subparagraphs and cross-references, as if repeated in full in every other Ground, to the extent relevant and not inconsistent.

1. **Ground One: The Defendant's Decision was made without jurisdiction and in breach of the *Legal Profession Uniform Law (NSW)* ("Uniform Law").**

   The section 45 Decision was made without compliance with Chapter 5, Part 5.4 requirements of the Uniform Law, without referral to NCAT or findings of UPC or PM, and relying on untested allegations.

1.1 The Defendant exceeded its jurisdiction by making a Decision under section 45 of the Uniform Law based on a findings that the Plaintiff, was not a fit and proper person without any determination by a competent tribunal of misconduct under section 300 Uniform Law.

1.2 The issuance of the section 45 Decision was based on untested and unproven allegations of misconduct, constituting a denial of procedural and natural justice. The Defendant, acting in bad faith and without lawful basis, made a decision on 30 May 2025 that the Plaintiff was not a fit and proper person to hold a practising certificate.

1.3 The Defendant, as a delegate of an administrative authority, does not have power to make binding determinations of misconduct without proper due process under the Chapter 5, Part 5.4 of the Uniform Law.

1.4 The Defendant has exercised improper or unauthorised use of regulatory powers as follows:

   i. Took administrative steps (including refusing the renewal of the practising certificate, publishing the Plaintiff's name on the OLSC register, and suppressing/removing the Plaintiff's record from the solicitor register prior to the decision being made) without proper notice or legal basis;

   ii. Did not comply with the procedures in Chapter 5 of the Uniform Law;

   iii. Acted beyond power by determining, in substance, that misconduct had occurred without reference to NCAT or any authorised tribunal.

Particulars

a. The Plaintiff relies on the particulars in Grounds 1 to 12 insofar as relevant.

b. The Defendant exceeded its jurisdiction by making Decision 1 under section 45 of the Uniform Law without referral to NCAT or findings of UPC or PM under Chapter 5, Part 5.4.

c. The Defendant materially omitted Chapter 5, Part 5.4 in its Decision 1, while relying on allegations of "misconduct" and "prior misconduct" in its correspondences dated 8 July 2024, 24 March 2025, and 21 May 2025.

d. In Decision 1, the Defendant explicitly admits at paragraph 69: *"there was no dispute that at the time of submitting the 2024/2025 Renewal Application, there were no disciplinary findings of professional misconduct, or disciplinary action commenced against the Solicitor under the Uniform Law, which the Solicitor was required to disclose under any of the provisions of Rules 13…"* thereby confirming that the statutory preconditions for a valid Section 45 decision were absent. This admission directly undermines the Defendant's assertions of misconduct in is all its earlier correspondences dated 17 July 2024, 24 March 2025 and 21 May 2025.

e. The Defendant relied on untested allegations and adverse inferences drawn from opinion, judicial commentary, and unrelated civil litigation without any findings of UPC or PM.

f. In Decision 1 under the heading "Consideration" at paragraph 60, the Defendant asserts that the Plaintiff is unfit to practise, relying on its own subjective and untested allegations while acting both as accuser and judge, thereby circumventing the disciplinary process mandated by Chapter 5, Part 5.4 of the Uniform Law. This assertion is inconsistent with the Defendant's own acknowledgment at paragraph 69 of Decision 1 that no disciplinary findings or proceedings existed and disclosures under Rule 13 *Legal Profession Uniform General Rules 2015* (**Uniform General Rules**) did not apply.

g. Prior to any notice, the Defendant interfered with the Plaintiff's practising certificate renewal in May 2024 by unilaterally placing him to operate "in force" under his prior FY 2023/2024 certificate, blocking his renewal application for FY 2024/2025 without lawful basis or due process. The Defendant also applied the same actions to the practising certificate of his wife, Ms Marie Odtojan (**Ms Odtojan**), who is also a practising solicitor.

h. By the time the Plaintiff was first notified on 17 July 2024, the Defendant had already treated him as "unfit" in practice, making the later Section 45 Decision on 30 May 2025 a formalisation of a pre-existing, predetermined outcome. At that point, both the Plaintiff and his wife had already been erased from the Law Society of NSW database, with their solicitors' data and their paid memberships for FY 2024/2025 being non-existent.

i. The Plaintiff has practised as a solicitor in New South Wales for 3 years with an unblemished professional record, and worked at Odtojan Bryl Lawyers alongside his wife, who has been the principal of the law practice for more than 10 years.

j. By purporting to make a Section 45 decision in these circumstances, the Defendant acted outside its jurisdiction and contrary to the Uniform Law, predetermining the outcome and denying the Plaintiff any opportunity to be heard and be afforded independent NCAT proceedings.

2. Ground Two: The Defendant's Decisions constituted a denial of procedural fairness and natural justice.

The Defendant failed to provide notice, particulars, a fair hearing, or any opportunity for an independent determination by NCAT, in breach of the Uniform Law and administrative law principles.

2.1. The Plaintiff repeats and relies on Grounds 1 to 12 inclusive, including all particulars and subparagraphs, as if set out in full herein, insofar as they support and are relevant to this Ground.

2.2 The Defendant failed to respond to the Plaintiff's substantive notices, documents/evidence and requests for clarification and particulars to its allegations of misconduct.

Particulars

a. The Plaintiff repeats and relies on the particulars in Grounds 1 to 12, specifically 1b to 1j insofar as relevant and not inconsistent.

b. The Defendant failed to provide the Plaintiff with any clear, specific, or particularised allegations capable of amounting to UPC or PM under the Uniform Law and denied the opportunity for an independent hearing and determination by the designated tribunal, NCAT.

c. The Defendant's letter dated 17 July 2024 (from Ms Griswold, Director of PSD) was the first formal notice blocking the Plaintiff's FY 2024/2025 practising certificate renewal, forcing her to operate under the prior FY 2023/2024 certificate "in force." It asserted as fact that the Plaintiff was guilty of "misconduct," "prior misconduct," "findings of misconduct," and non-disclosure under Rule 13 of the Uniform General Rules without evidence or particulars. It sought admissions, invited withdrawal of the renewal application, and improperly shifted the onus onto the Plaintiff to prove fitness, to be determined by the Defendant in a private meeting, bypassing the statutory disciplinary process in Chapter 5, Part 5.4.

d. Despite referring in the 17 July 2024 letter to the Council's "next steps" to consider the matter at an upcoming meeting, no such meeting was held or communicated. Instead, nearly a year later, the Defendant issued Decision 1 without further process or notice, despite the ongoing requests from the Plaintiff up to 15 May 2025 for the Defendant to put its case clearly and provide particulars to substantiate its allegations of misconduct.

e. In correspondence dated 13 August 2024, the Plaintiff explicitly requested at paragraph 27: *'if PSD and/or the Law Council is of opinion that there is an alleged misconduct and/or non-disclosure by Ms Odtojan and me, then the Law Council is to afford Ms Odtojan and me the proper due process that all legal practitioners are afforded, under the LPUL, where such matters are to be impartially and independently assessed/investigated and to be determined by the tribunal, NCAT.'* This request was ignored, demonstrating the Defendant's refusal to comply with the mandatory disciplinary framework under Chapter 5, Part 5.4.

f. From 13 August 2024 onwards, the Plaintiff and Ms Odtojan sent multiple detailed notices, including on 15 August 2024, 12 February and 13 May and 15 May 2025, raising issues including unsupported misconduct accusations, interference with practising certificates without due process, alleged judicial misconduct and false court records, and the Defendant's statutory duty under section 465 of the Uniform Law to refer suspected offences to authorities.

g. The Plaintiff's 12 February 2025 email to the Defendant (Attention to: Ms Nadya Haddad Head of Registry) provided evidence, tax invoices and screenshots, showing both solicitors' data had been removed from the Law Society of NSW Register of Solicitors. It sought clarification on the missing data, paid memberships, and practising certificate status, noting no disciplinary findings appeared on the OLSC Disciplinary Register.

h. The Defendant's responses dated 24 March and 21 May 2025 (from Ms Haddad, Head of Registry and PSD) reiterated, "alleged prior misconduct" without particulars or evidence. Ms Haddad introduced new allegations about a public post, ignored the Plaintiff's correspondences dated 13 and 15 August 2024, 12 February and 15 May 2025 in Defendant's 21 May 2025 correspondence and shifted the language in the Defendant/ Ms Griswold's earlier statements of "misconduct" as fact to "alleged" prior misconduct, describing this change as a "typographical error".

i. The Defendant failed to genuinely consider the exculpatory material contained in the Plaintiff's 13 August 2024 letter and 25 bundles exceeding 1,380 pages, dismissing them with a mere assertion of having "considered" them without substantive engagement, as reflected in Ms Nadya Haddad/PSD's letter of 24 March 2025.

j. The Plaintiff's emails of 12 and 15 May 2025 sought jurisdictional clarification, the Uniform Law process, particulars of "prior misconduct," and the Defendant's duty to report its own alleged misconduct and its statutory duty under section 465 of the Uniform Law. These notices also referenced the Plaintiff's prior reports since 2016.

k. In Decision, the Defendant misrepresented the Plaintiff's 15 May 2025 email by characterising his legitimate objections as personal attacks, thereby obscuring his legal grounds and denying him a fair opportunity to respond. The Plaintiff's detailed requests for clarification and particulars were reduced to a single, unintelligible paragraph 38 in the Decision.

l. The Defendant remained largely unresponsive, sending only three correspondences over ten months. It was silent for almost eight months after its first letter in July 2024. It never engaged with the Plaintiff's objections, documents including 25 bundles of over 1,380 pages nor disclosed the disciplinary process under Chapter 5, Part 5.4 of the Uniform Law.

m. The Defendant annexed to the Decision documents including a Public Notice, time-stamped December 2024 and social media posts, which had not been provided to the Plaintiff beforehand, withholding them until after issuing its Decision.

n. The Decision was made on 29 May 2025, just 14 days after the Plaintiff's email of 15 May 2025 to the Defendant seeking clarifications and particulars, and 12 days after Ms Odtojan posted a YouTube video discussing the disappearance of both the her and the Plaintiff's solicitors' data and memberships, among other matters.

o. From July 2024 until the issuance of Decision 1 on 30 May 2025, the Plaintiff was left in a state of uncertainty and instability without a current practising certificate, impairing his ability to serve clients and assist in maintaining his wife's legal practice where they work together.

p. The Defendant never gave notice of its intention to issue a Section 45 Decision or proposed adverse findings, denying the Plaintiff any opportunity to respond or address the use of Section 45 powers.

q. The Plaintiff was denied any opportunity to be heard before an independent tribunal, despite the severe consequences, including loss of practising certificates, forced closure of his and his wife's family-run law practice, their primary source of income and livelihood, and the appointment of a Manager under section 326(a) as a direct result of refusing the principal's (Ms Odtojan) practising certificate.

r. By circumventing these requirements, the Defendant denied the Plaintiff procedural fairness under the statutory framework, avoiding the mandatory disciplinary process designed to ensure clear allegations, investigation, proper notice, and an independent NCAT determination of any UPC or PM allegations.

3. Ground Three: The Section 45 Decision was an abuse of power and a misuse of regulatory discretion.

The Defendant misused Section 45 by bypassing the statutory disciplinary process, relying on untested allegations without investigation, NCAT referral and independent determination.

3.1. The Plaintiff repeats and relies on Grounds 1 to 12 inclusive, including all particulars and subparagraphs, as if set out in full herein, insofar as they support and are relevant to this Ground.

Particulars

a. The Plaintiff repeats and relies on the particulars in Grounds 1 to 12, specifically 1b to 1d, 1f, 1h, 1j, 2d, 2e, 2p to 2r insofar as relevant and not inconsistent.

b. The Defendant relied on referrals from the NSW Court of Appeal, but failed to conduct any investigation for possible breaches under Rules 5 and 32 of the *Legal Profession Uniform Law Australian Solicitors Conduct Rules 2015.*

c. The Defendant improperly relied on and quoted judicial commentary from the NSW Court of Appeal in proceedings, involving the Plaintiff's leave to appeal in Ms Odtojan's tort damages case against Mr Nicolas Ford, Mr Thomas Glynn, and Mr Miles Condon SC, despite there being no disciplinary proceedings or findings of misconduct.

d. The Decision was not a lawful exercise of Section 45 power, but was drafted in the style of an adversarial complaint, using accusatory, pejorative, and inflammatory language instead of a neutral and balanced tone of an impartial decision-maker.

e. The Decision demonstrated partiality and condemnation of the Plaintiff, failing to provide an objective and impartial assessment of fitness to practise.

f. The Decision was presented as an extended pleading with extensive criticisms and accusations, of 24 pages with 14 pages of attachments, without providing the Plaintiff any fair opportunity to respond.

g. In the Decision, under "Relevant Legislation and Caselaw" from page 13, the Defendant cited Admissions Board case authorities about prospective lawyers, not practising solicitors with established careers, and cases involving NCAT proceedings and tribunal determinations that were never initiated or offered to the Plaintiff.

h. This reliance on irrelevant admissions authorities demonstrates the Defendant's refusal to acknowledge the Plaintiff's professional standing as a solicitor of 3 years with an unblemished record and no disciplinary findings or NCAT proceedings.

i. The Defendant referred to tribunal decisions while failing to initiate any NCAT proceedings, thereby misrepresenting the process actually required.

j. The Defendant bypassed the mandatory oversight of NCAT and used Section 45 to impose a Decision with the effect of a disciplinary sanction, despite having no authority to do so.

k. By this approach, the Defendant usurped the role of the tribunal, acting as both prosecutor and decision-maker, contrary to the statutory design.

l. Section 45 of the Uniform Law is intended only to refuse or not renew a practising certificate based on established and lawfully determined facts of unfitness. It is not a substitute for the Chapter 5 disciplinary process, which mandates investigation, referral to NCAT, and independent NCAT determination. The Defendant misused Section 45 by bypassing these safeguards, relying on untested and unproven allegations to publish personal criticisms, pursue retaliatory purposes against a whistleblower, witness and victim, and adopt a prosecutorial stance without lawful process or findings.

m. This abuse of power is evident in Decision 1 at paragraph 66, where the Defendant, through Ms Griswold, accused the Plaintiff of being "threatening" and claimed his "current attitude and behaviour damages the standing and reputation of the legal profession," demonstrating hostility and condemnation unsupported by tested evidence or any independent tribunal determination.

n. The Defendant's conduct effectively stripped the Plaintiff of the right to a fair hearing before an independent tribunal, usurping the tribunal's statutory role.

o. The Defendant misused its discretion by substituting untested accusations for the lawful statutory process, seeking to impose the most serious consequences on the Plaintiff in disregard of the Uniform Law's requirements and without any findings of UPC or PM.

4. Ground Four: The Defendant's conduct amounts to a serious interference with the administration of justice and the statutory disciplinary framework.

The Defendant's actions undermined the integrity of the Uniform Law, eroded public confidence in the legal regulatory system, and subverted the proper administration of justice.

4.1. The Plaintiff repeats and relies on Grounds 1 to 12 inclusive, including all particulars and subparagraphs, as if set out in full herein, insofar as they support and are relevant to this Ground.

Particulars

a. The Plaintiff repeats and relies on the particulars in Grounds 1 to 12, specifically 1b to 1o, 2e. 2q, 2r,3b, 3c, 3d, 3i to 3l, 3n and 3o insofar as relevant and not inconsistent.

b. Upon review of the documents listed and relied on in the Defendant's letter dated 17 July 2024, the Plaintiff discovered that key evidence was omitted, including the Plaintiff's affidavit and email to the NSW Court of Appeal Justices, which raised concerns of judicial misconduct. These documents were filed in Court with orders requiring Registrars to produce all NSW Court of Appeal court documents and transcripts to the OLSC.

c. The Defendant treated its Section 45 Decision as if it were a disciplinary finding without lawful authority, thereby circumventing legislated safeguards designed to protect legal practitioners and the public.

d. In paragraph 24 of the Plaintiff's letter dated 13 August 2024 to the Defendant, the Plaintiff expressly stated:

The conduct of unlawfully affecting our practising certificates has caused great distress, damages and detriment. It affects our livelihoods, our ability to practise law, to provide services to our clients, our community and those in need of legal assistance, where we are also part of the NSW Law Society pro-bono scheme, and affects the operation of Ms Odtojan's business where there are obligations to clients, to third parties among other business obligations. We have had to exert a lot of our time and resources away from our small law firm business and client matters to attend to your PSD letters where actions have been made against our practising certificates under the false premise of misconduct by Ms Odtojan and I.

5. Ground Five: The Decision was made in bad faith and constituted a retaliatory act against the Plaintiff and Ms Odtojan, who are witnesses, victims and whistleblowers in relation to matters stemming from the reports made by Ms Odtojan to the OLSC and Law Society of NSW PSD from 2016.

This ground alleges the decision was made in bad faith as retaliation against the plaintiff for his role as a victim, witness and whistleblower who made reports to the regulatory bodies since 2016.

5.1. The Plaintiff repeats and relies on Grounds 1 to 12 inclusive, including all particulars and subparagraphs, as if set out in full herein, insofar as they support and are relevant to this Ground.

Particulars

a. The Plaintiff repeats and relies on the particulars in Grounds 1 to 12, specifically 1b to 1j, 2n, 3b, 3c, 3i, 3j, 3k to 3n and 4d insofar as relevant and not inconsistent.

b. On 29 May 2025, Decision 1 was made and a record was created under the Plaintiff's name in the OLSC Public Disciplinary Register before the decision was issued to the Plaintiff and without disciplinary proceedings and NCAT determination.
c. The Plaintiff gave notice on 15 August 2024 to the Defendant, including OLSC, and on 30 August 2024 to the Attorney General of NSW, of PSD/Ms Griswold's improper and unlawful conduct, and sought an investigation on the PSD and OLSC.
d. On 25 October 2024, the Attorney General, via MP Hugh McDermott, endorsed the defendant's actions, relying on "alleged prior misconduct," without findings or evidence. On 4 November 2024, the Plaintiff and Ms Odtojan sought Attorney General and the MP to substantiate their representation, where no response has been provided to date.
e. The Plaintiff's wife has a history of making reports about serious misconduct within the legal profession, arising from Credit Corp and Piper Alderman Local Court credit contract proceedings dating back to 2016. These reports, made to the OLSC and the Defendant, included allegations of fraud, impropriety, and possible indictable offences that the legal regulators had a statutory obligation to refer to the authorities under section 465 of the Uniform Law.
f. The Defendant ignored or omitted all exculpatory material, including the Plaintiff's 25 bundles of documents (over 1,380 pages) supporting his objections. These materials raised allegations of judicial misconduct and false records in judgments, included notices regarding the referral of two innocent solicitors, and contained evidence that was before the NSW Court of Appeal as well as the Plaintiff's reports to the Defendant and the OLSC.
g. The Defendant's focus in Decision 1 shifted away from the original Supreme Court referral, which it failed to investigate. Instead, it deflected and manufactured allegations of misconduct, creating a false narrative to justify interference with the Plaintiff's and his wife's practising certificates and solicitors' data. The Defendant took ambush action without notice, raised new issues such as public notices and online statements, and ultimately used its position to unlawfully issue a Section 45 certificate declaring both solicitors unfit to practise law without due process. Both solicitors were denied procedural fairness and any opportunity to defend themselves.
h. The Defendant's conduct was calculated to punish and silence the Plaintiff and his wife for exposing alleged wrongdoing within the profession, constituting bad faith use of statutory power for an improper, retaliatory purpose.
i. Such conduct undermines the statutory objective of maintaining public confidence in the integrity of the legal system by circumventing lawful processes under the Uniform Law, intimidating and threatening whistleblowers, witnesses, and victims, and penalising those who speak up.

j. These actions, combined with the acceptance of payment for services never delivered, support the inference of fraud, institutional bad faith, and targeted retaliation against a solicitor for raising issues of public interest.

k. The Decision contained personal attacks and condemnation of the Plaintiff's position, characterising him as unremorseful and mocking his belief that he and Ms Odtojan were targeted, while ignoring the Plaintiff's notices raising serious allegations of misconduct and corruption. See Decision at paragraphs 64, 65, and 66.

l. The Defendant's refusal to meaningfully engage with the Plaintiff's concerns, and instead ridiculing them in its decision, supports the inference of retaliatory purpose and institutional bad faith.

m. The language of the decision is inflammatory, threatening and contemptuous creating an intimidating document.

6. Ground Six: Apprehended Bias and Denial of an Impartial Decision-Maker

The Defendant's conduct, particularly by Ms Griswold and Ms Haddad of the Professional Standards Department, demonstrated apprehended bias and denied the Plaintiff an impartial decision-maker by predetermining misconduct without evidence, relying on private meetings to assess "fitness," failing to recuse despite conflict of interest, and refusing to ensure an independent, fair, or transparent process as required under the Uniform Law.

6.1. The Plaintiff repeats and relies on Grounds 1 to 12 inclusive, including all particulars and subparagraphs, as if set out in full herein, insofar as they support and are relevant to this Ground.

Particulars

The Plaintiff repeats and relies on the particulars in Grounds 1 to 12, specifically 1d to 1h, 2b to 2q, 3c to 3j, 4b, 4d, 5b to 5d, 5g, 5h, 5j, 5l, 5m insofar as relevant and not inconsistent.

a. On 14 August 2024, the Plaintiff notified Ms Griswold of her improper conduct and requested her recusal from both his own and Ms Odtojan's matters due to conflict of interest.

b. Despite this notice, Ms Griswold remained involved in the decision-maker, authoring and signing Decision 1 dated 30 May 2025.

c. The Decision included sustained personal attacks and negative character assessments of both the Plaintiff and Ms Odtojan, asserting they were incapable of forming proper arguments or deserving of a fair hearing, while adopting a mocking and dismissive tone, notably at paragraphs 27, 39, and 64.

d. The Decision omitted or misrepresented material facts, including the Plaintiff's notices, objections, and extensive supporting documentation and evidence provided in the letters dated 13 and 15 August 2024, and emails dated 12 February 2025, and 15 May 2025.

e. The structure, tone, and sequencing of Decision and correspondence indicate a predetermined outcome designed to justify its prior interference with the Plaintiff's practising certificate renewal in May 2024, without notice or procedural fairness.

f. A fair-minded observer would reasonably apprehend that Ms Griswold could not bring an impartial mind to the determination, given her direct involvement, dismissive responses, personal criticisms in Decision, and failure to recuse herself despite clear notice of conflict.

g. The Defendant's approach ignored the Plaintiff's serious allegations of misconduct, ridiculed his objections, and instead maintained a contemptuous and punitive tone, dismissing his consistent denials of wrongdoing and his documented notices raising matters of public interest and alleged corruption.

h. In the Decision, the Defendant adopted a mocking and contemptuous tone toward the Plaintiff, dismissing him as maintaining a "belief" that he and Ms Odtojan were victims of "targeted hate crime" and criticising him for "expressing no remorse or contrition" while ignoring his notices of serious misconduct, references to evidence, and consistent denials of wrongdoing. See Decision at paragraphs 27 and 64.

i. On 14 August 2024, the Plaintiff and Ms Odtojan provided the Defendant with extensive supporting material, including exculpatory evidence addressing the Supreme Court referral. That material was ignored, unacknowledged, and not investigated.

j. The Defendant shifted focus to new criticisms about the Plaintiff's and Ms Odtojan's public notices, character, and renewal applications, avoiding any genuine assessment of the Supreme Court referral or their exculpatory evidence.

7. Ground Seven: Consequences of the Decisions

The Defendant's Decisions caused severe and immediate harm to the Plaintiff and his wife, rendering them unfit to practise without lawful process, forcing the closure of their law firm, cutting off their livelihood, and leaving clients unrepresented. These consequences flow directly from the Defendant's misuse of its powers and its failure to comply with the Uniform Law.

7.1. The Plaintiff repeats and relies on Grounds 1 to 12 inclusive, including all particulars and subparagraphs, as if set out in full herein, insofar as they support and are relevant to this Ground.

Particulars

a. The Plaintiff repeats and relies on the particulars in Grounds 1 to 12, specifically 5c, 8bii insofar as relevant and not inconsistent.

b. As a direct consequence of the Defendant's decisions dated 30 May 2025, made without lawful determination by NCAT tribunal, both the Plaintiff and his wife were rendered "unfit to practise".

c. The Plaintiff has never been the subject of any findings of professional misconduct, nor has any tribunal adjudicated allegations of misconduct against the Plaintiff. Notwithstanding this, the Defendant relied upon untested allegations of misconduct as the basis for forming the opinion that the Plaintiff was not a fit and proper person to hold a practising certificate.

d. The Plaintiff was referred to the OLSC for acting as McKenzie Friend/Amicus Curiae in the Ms Odtojan's leave-to-appeal hearings, where the opposing Defendants did not appear. The Plaintiff was not the subject of any formal complaint, proven misconduct, or investigation under the Uniform Law's disciplinary process.

e. The Defendant's decision to also refuse the renewal of his wife's practising certificate forced the closure of Odtojan Bryl Lawyers. This was done without lawful process. A Manager was then appointed without proper authority, and the firm's trust account was closed without notice.

f. The Defendant disregarded the risk to clients of the legal practice, who were left unrepresented and exposed to potential economic loss or penalties due to unfulfilled legal obligations.

g. These actions destroyed a 12-year family-run legal practice that served the community, leaving clients unrepresented, including those with active litigation at risk of default judgments or loss of legal rights, and undermined public confidence in the legal system.

h. The Defendant's actions caused vulnerable clients, including Credit Corp victims and other litigants in civil proceedings, to lose legal representation and be left unprotected.

i. Despite receiving payment for membership renewals, the Defendant failed to renew the Plaintiff's and Ms Odtojan's memberships, denied them solicitor services, and retained their payments, ignoring their 12 February 2025 and 15 May 2025 email enquiries.

8. Ground Eight: Failure to Consider Relevant Matters

The Defendant failed to consider relevant and critical matters required under the Uniform Law, including the Plaintiff's unblemished professional record, the absence of any findings of misconduct, his extensive written responses and evidence, and the serious consequences of refusing his practising certificate, demonstrating a failure to engage with mandatory considerations in forming the decision.

8.1. The Plaintiff repeats and relies on Grounds 1 to 12 inclusive, including all particulars and subparagraphs, as if set out in full herein, insofar as they support and are relevant to this Ground.

Particulars

a. The Plaintiff repeats and relies on the particulars in Grounds 1 to 12, specifically 1i, 2e to 2j, 3l, 4d, 5d, 5g, 6e insofar as relevant and not inconsistent.

b. Failure to Consider Relevant Matters. The Defendant failed to consider:

   i. The Plaintiff's 3-year unblemished record as a solicitor;

   ii. That the decision to refuse both his and his wife's practising certificates would cause immediate and significant adverse consequences. These include the forced cessation of the legal practice's operations, as the Plaintiff's wife was the principal solicitor, the loss of the both solicitors' ability to lawfully practise, and the disruption to active client matters.

   iii. That the clients of the legal practice, who rely on the legal representation of the Plaintiff and his wife, face the risk of economic loss and/or penalties due to outstanding legal and contractual obligations which cannot be fulfilled in the absence of a valid practising certificate.

   iv. That there were no previous disciplinary action/proceedings brought against the Plaintiff;

   v. The substantive responses, documents (including 25-bundles of documents of 1,385 pages), and notices provided by the Plaintiff;

   vi. The absence of any finding of misconduct by a court or tribunal.

9. Ground Nine: Legal Unreasonableness

The Defendant's Decision was legally unreasonable because it was disproportionate to the circumstances, relied on irrelevant considerations, ignored relevant matters, and imposed the most serious professional consequences without lawful process, substantiated evidence, or independent determination by NCAT.

9.1. The Plaintiff repeats and relies on Grounds 1 to 12 inclusive, including all particulars and subparagraphs, as if set out in full herein, insofar as they support and are relevant to this Ground.

Particulars

a. The Plaintiff repeats and relies on the particulars in Grounds 1 to 12, specifically 1d to 1i and 8b insofar as relevant and not inconsistent.

b. No reasonable decision-maker, acting according to law, could have reached the conclusion that the Plaintiff is not a fit and proper person to practise law.

10. Ground Ten: No Reasonable Decision-Maker Could Have Concluded Unfitness

The Defendant's Decisions that the Plaintiff was "unfit to practise" were conclusions that no reasonable decision-maker could have reached in the circumstances. They were reached without findings of UPC or PM, without due process or independent determination by NCAT, and in disregard of the Plaintiff's professional record, substantive responses, and exculpatory evidence, rendering the decision legally unreasonable and invalid under the Uniform Law.

10.1. The Plaintiff repeats and relies on Grounds 1 to 12 inclusive, including all particulars and subparagraphs, as if set out in full herein, insofar as they support and are relevant to this Ground.

Particulars

a. The Plaintiff repeats and relies on the particulars in Grounds 1 to 12, specifically Grounds 1b to 1j and 9b insofar as relevant and not inconsistent.

11. Ground Eleven: Public Interest Considerations

The Defendant's Decisions ignored key public interest considerations, including the need for lawful, transparent regulatory processes, protection of client interests, and safeguarding whistleblowers, witnesses, and victims from retaliation. By failing to follow proper statutory procedures, the Defendant undermined public confidence in the integrity of the legal profession and the administration of justice.

11.1. The Plaintiff repeats and relies on Grounds 1 to 12 inclusive, including all particulars and subparagraphs, as if set out in full herein, insofar as they support and are relevant to this Ground.

Particulars

a. The Plaintiff repeats and relies on the particulars in Grounds 1 to 12, specifically 1b to 1j, insofar as relevant and not inconsistent.
b. There is a strong public interest in ensuring that:
    i. Regulatory decisions are made lawfully, transparently, and in accordance with the Uniform Law.
    ii. Legal practitioners are not wrongly or unfairly penalised;
    iii. Clients are not deprived of their legal representation without cause;
    iv. Whistleblowers, witnesses and/or victims do not face retaliation for public interest disclosures.

c. The Defendant's bypassing of the statutory disciplinary process undermined the integrity of the regulatory system, eroding public trust and confidence in the administration of justice.
d. The Plaintiff's clients also include vulnerable individuals, facing predatory credit litigation from Credit Corp.
e. By rendering both the Plaintiff and Ms Odtojan "unfit to practise" based on untested allegations and personal criticisms, the Defendant set a harmful precedent threatening all solicitors and the public who raise concerns about misconduct and/or make reports to regulatory bodies in the public interest.
f. There is a strong public interest in protecting whistleblowers, witnesses, and victims from retaliation, and in ensuring regulatory powers are not misused to silence criticism or suppress disclosures of misconduct. This is particularly significant in the Plaintiff's case, where he is wife is both a witness and a victim of the misconduct reported and he is likewise a witness and, also a victim.
g. The Defendant's actions in this matter are inconsistent with the statutory objectives of protecting the public, maintaining the integrity of the legal profession, and upholding confidence in the administration of justice.

12. Error of Law on the Face of the Record and Jurisdictional Error

The Defendant's decisions involved errors of law on the face of the record and jurisdictional error by purporting to determine unfitness and misconduct without statutory authority, or NCAT referral, bypassing mandatory requirements of the Uniform Law, and denying procedural fairness.

12.1. The Plaintiff repeats and relies on Grounds 1 to 12 inclusive, including all particulars and subparagraphs, as if set out in full herein, insofar as they support and are relevant to this Ground.

Particulars

a. The Plaintiff repeats and relies on the particulars in Grounds 1 to 12, specifically 1b to 1j, 5c, 5g to 5m and 9b, insofar as relevant and not inconsistent.
b. The Defendant misapplied Section 45 of the Uniform Law by purporting to determine misconduct and unfitness without lawful jurisdiction, contrary to the statutory disciplinary scheme in Chapter 5, Part 5.4 of the Uniform Law.
c. The Defendant failed to afford procedural fairness, a fundamental requirement of law.
d. The Defendant's decisions were legally unreasonable, constituting an error of law.
e. The Defendant's decisions were tainted by bias, improper purpose, and failure to consider relevant matters.

Particulars in support of the above grounds

a. Defendant's decision dated 30 May 2025;
b. Defendant's correspondence to the plaintiff dated 17 July 2024;
c. Plaintiff's letter to Ms Griswold, Director of the Law Society of NSW PSD dated 13 August 2024;
d. Plaintiff's letter to the Defendant dated 15 August 2024;
e. Plaintiff's letter to Attorney General dated 30 August 2024;
f. Attorney General's letter to plaintiff dated 25 October 2024;
g. Plaintiff correspondence to Attorney General dated 4 November 2024;
h. Plaintiff email to the Law Society of NSW Head of Registry dated 12 February 2025;
i. PSD letter to Plaintiff dated 24 March 2025;
j. Plaintiff's email to Law Society of NSW Professional Standards Scheme 13 May 2025;
k. Plaintiff's email to Defendant 15 May 2025;
l. Defendant's email dated 21 May 2025;
m. Defendant's Decision dated 30 May 2025;
n. On 29 May 2025, the Defendant made its Decision and a record was made on the OLSC Disciplinary Register as per the Decision.